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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,261	07/07/2003	John Taboada	382/103	7790

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Dr. John Taboada
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EXAMINER	
PERVAN, MICHAEL	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
03/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/614,261	TABOADA, JOHN	
	Examiner	Art Unit	
	MICHAEL PERVAN	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-33* is/are pending in the application.

4a) Of the above claim(s) *18-25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivey et al (US 5,793,357) in view of Agilent Technologies Technical Data Sheet for the HDNS-2000 (as submitted by applicant).

In regards to claim 26, Ivey discloses an apparatus for controlling a computer by tracking the motion of a body comprising:

a. a laser (col. 4, lines 40-42; laser diode 2),

b. a laser-speckle pattern generating means (col. 5, lines 28-40; speckle patterns are generated by simply having the laser reflect off of a surface.),

c. generating signals to control a computer (col. 3, lines 1-11).

Ivey does not disclose an optically-sensed digitally-autocorrelated navigation chip receiving means for receiving the laser-speckle pattern.

Agilent discloses an optically-sensed digitally-autocorrelated navigation chip receiving means for receiving the laser-speckle pattern (HDSN-2000).

It would have been obvious to one of ordinary skill in the art to modify Ivey with the teachings of Agilent, an optically-sensed digitally-autocorrelated navigation chip, because it would give more accurate measurements of the movement of the pen.

In regards to claim 27, Ivey and Agilent disclose the apparatus of Claim 26 where said laser and said laser-speckle pattern generating means are combined as a first rigid unit (body 1) projecting a laser-speckle pattern which moves in correspondence to the movement of the first rigid unit (col. 6, lines 1-11).

In regards to claim 28, Ivey and Agilent disclose the first rigid unit of Claim 27 where said laser-speckle pattern is projected onto the optically-sensed digitally-autocorrelated navigation chip (col. 4, lines 40-42).

In regards to claim 29, Ivey and Agilent disclose the first rigid unit of Claim 28 where the output of said optically- sensed digitally-autocorrelated navigation chip communicates computer controlling signals to a computer indicative of the motion of the first rigid unit (col. 3, lines 1-11).

In regards to claim 30, Ivey and Agilent disclose the first rigid unit of Claim 27 where said first rigid unit may be rigidly attached to a further body thus enabling the computer registering of motion parameters of said further body (The first rigid unit (pen) is attached (held) to a further body (hand) and enables the computer to register movements of the further body (hand)).

In regards to claim 31, Ivey and Agilent disclose the apparatus of Claim 26 where said laser and receiving means are combined as a second rigid unit (body 1) and arranged such that the laser beam of said laser points to an area in front of but not into the receiving means (Figs. 1-3; as can be seen from the drawing, the laser (laser diode 2) points in front of the receiving means (photodiode detector array 3) but not into receiving means).

In regards to claim 32, Ivey and Agilent disclose the second rigid unit of Claim 31 where said laser beam points to an object (captive ball 20) generating a laser-speckle pattern moving in correspondence to the motion of the object and which enters the receiving means (col. 6, lines 1-11).

In regards to claim 33, Ivey and Agilent disclose the second rigid unit of Claim 32 where the output of said optically-sensed digitally-autocorrelated navigation chip communicates computer controlling signals to a computer indicative of the motion of the object (col. 3, lines 1-11).

Response to Arguments

3. Applicant's arguments with respect to claims 26-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PERVAN whose telephone number is (571)

272-0910. The examiner can normally be reached on Monday - Friday between 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MVP
Feb. 27, 2008

AMR A. AWAD
SUPERVISORY PATENT EXAMINER